

AGN. NO. _____

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

AUGUST 30, 2005

RELATED TO ITEM #81

County Counsel reported that Los Angeles County does not have the authority to refuse an employee's resignation when the employee's discharge is being considered or processed. However, under Section 35 of the County Charter, Civil Service Rules amendments to existing rules affecting employee working conditions, such as Rule 18.09, can be negotiated with the employees' collective bargaining unit.

As it relates to reporting information to prospective employers of former County employees who are discharged or resigned in lieu of being discharged, there is no requirement to provide any information about a former County employee in response to a request from a prospective employer. If the Board concludes that information is to be provided regarding former Department employees, an administrative process can be established to ensure that any information provided is truthful and complete to limit any risk of liability to the County.

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MOTION

Burke	_____
Yaroslavsky	_____
Knabe	_____
Antonovich	_____
Molina	_____

With respect to medical professionals, various state and federal laws require reports to licensing and regulatory agencies in circumstances generally relating to clinical competency, patient safety or delivery of patient care. Reports or complaints of unprofessional or other inappropriate conduct by a medical professional may and, in some circumstances must, be filed with certain agencies. Based on County Counsel's advice, the Department of Health Services has determined that there is a legal basis to file complaints or reports with the Medical Board of California and, in some cases, with other agencies. The Department has advised that it will be take corrective action to ensure that appropriate reports are made and that the Medical Directors at all County hospitals are aware of the rules governing mandatory and discretionary reporting.

It is essential that appropriate processes are established to address all issues regarding disclosure of employment history and agency reporting of former county employees.

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I, THEREFORE, MOVE that the Board of Supervisors direct County Counsel to work in collaboration with the Director of Health Services, and the Director of Human Resources and report back within 45 days on the following:

1. Discuss with CAO Employee Relations and collective bargaining units about the potential of amending existing County rules affecting employee working conditions in the event an employee decides to resign when the employee's discharge is being considered or processed for all County departments. This includes changes in County rules for non-represented positions.
2. Develop an implementation plan with timelines on the creation of an administrative process to provide any information about a former County employee who has been discharged or has resigned in lieu of discharge in response to requests from a prospective employer.
3. Ensure that the appropriate reports are made and that the Medical Directors at all County hospitals are aware of the rules governing mandatory and discretionary reporting.
4. Implement the steps to allow the hospital medical staffs to consider restricting or revoking clinical staff privileges for ethical breaches or other causes not directly impacting care or the delivery of services.

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